



MEETING MINUTES

MILPITAS PLANNING COMMISSION

May 8, 2019 7:00 PM

CITY HALL COUNCIL CHAMBERS

455 E. CALAVERAS BLVD., MILPITAS, CA 95035

- I. CALL MEETING TO ORDER** **Chair Mandal** called the meeting to order at 7:00 P.M.
- II. ROLL CALL** **Present:** Chair Mandal, Vice Chair Ciardella, Commissioner Morris, Alcorn, Chuan, Chua, Tao
- Absent:** --
- Staff:** Ned Thomas, Jessica Garner, Heather Lee, Michael Fossati, Lillian Hua, Krishna Kumar, Elizabeth Medina
- III. PLEDGE OF ALLEGIANCE** **Commissioner Chuan** led the Pledge of Allegiance.
- IV. CONFLICT OF INTEREST DECLARATION** **City Attorney Heather Lee** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.
- V. APPROVAL OF AGENDA** **Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.
- Motion** to approve the May 8, 2019 agenda as amended.
- Motion/Second: Commissioner Morris/Commissioner Alcorn
- AYES: 7
- NOES: 0
- ABSTAIN: 0
- VI. ANNOUNCEMENTS** **Planning Director Ned Thomas** provided departmental updates to the commission regarding:
- City Council will have a Special Study Session General Plan Update – Land Use Alternatives Report on Tuesday, 5/21 Senior Center
- Vice Chair Ciardella** shared that he attended Big Al's ribbon cutting/grand opening. Appreciated the Staff and Commission for bringing in the project.
- VII. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the commission.

Frank De Smidt, former President of Rotary Club shared that there will be a spaghetti dinner and auction at MHS for students will perform in Scotland. Their goal is to raise \$50k. More information is in the Milpitas Post.

VIII. APPROVAL OF MEETING MINUTES

Chair Mandal called for approval of the April 10, 2019 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes as presented.

Motion/Second: Commissioner Chua/Commissioner Chuan

AYES: 6

NOES: 0

ABSTAIN: 1 (Tao)

IX. PUBLIC HEARING

IX-2 ADIMAR PLACE – 91 MONTAGUE EXPY. – P-SD19-0003, P-UP19-0002 – A request for a Site Development Permit and Conditional Use Permit for a new four-story, 72-unit residential condominium building with associated parking, open space and landscaping on a 1.79-acre parcel located at 91 Montague Expressway. The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 (Project Consistent with a Community Plan or Zoning) and Section 15332 (Infill Development), and, as a separate and independent basis, Public Resource Code Section 21166. Project Planner: Michael Fossati, (408) 586-3274, mfossati@ci.milpitas.ca.gov

Project Planner Michael Fossati showed a presentation and discussed the project.

Commissioner Tao asked if the project is an apartment building or condominium, as identified in documents. Mr. Fossati stated that it is an apartment building; that the word, condominiums can be stricken out; however, strictly based on CEQA analysis, apartments/multi-family building are referenced as condominiums. Mr. Tao had some questions in regards to the drawings that were provided for commissioners to review. Mr. Fossati reminded the commissioners that this evening they are making a decision of a grading permit application. Ms. Lee said the change (apartments/multi-family building vs. condominiums) can be made in resolution when approved. Mr. Tao asked what is the regular railroad train schedule. Ms. Fossati stated it is not a commuter train and trains run once to twice a day. Mr. Tao noted his concerns about the railroad causing a safety issue when coming in or out of parking area, backup traffic on Montague Expressway, moving trucks and fire safety vehicle access. Referencing the site plan, Mr. Fossati explained onsite access and said to ease his concerns that he would run Mr. Tao's concerns by Land Development. Mr. Tao asked if there were any other updates or conditions between the previously entitled project and today's review. Mr. Fossati stated it was all the same with the exception of the local ordinance changes regarding the affordable housing and public art that are now required.

Commissioner Chuan asked why was in lieu of fee chosen instead of 15% of affordable housing units. Mr. Fossati noted that question can be answered by applicant. Mr. Chuan asked if there is additional parking should the 20 guests parking lot spaces be taken. Mr. Fossati said there is no additional parking which

is in conformance with the Mid Town Specific Plan. Mr. Chuan noted his concern of a lot of traffic congestion in that area. Mr. Chuan asked what were the comments received from MUSD regarding this development. Ms. Fossati stated he doesn't think there was a discussion with MUSD; however, the school will receive impact fees from developers. With all the new developments in that area, Mr. Chuan said his concern is congestion with school in the area.

Commissioner Morris asked if an initial CEQA and traffic study was done on this project. Mr. Fossati explained that this location is within the Mid Town Specific Plan, through an addendum and an EIR, this area consistent with standards of the whole area.

Vice Chair Ciardella stated he wanted to be sure there will be double pane windows against railroad tracks. Ms. Fossati shared that a noise analysis was done and that appropriate paned windows will be installed adjacent to the railway, where it is further discussed in EIR. Mr. Ciardella asked if the 153 parking spots are also for the 14 motorcycles. Mr. Fossati clarified that there will be 153 vehicle parking spots, as well as an additional 14 parking spots for motorcycles.

Commissioner Chua asked if there was any provision with electric vehicles. Mr. Fossati stated there is no specific provision, however, per building green code, charging stations must be included. Ms. Chua asked Mr. Fossati to explain how to calculate the affordable housing program, public art fee and park in lieu fees. Mr. Fossati gave the commissioners history of this project site regarding its time of entitlement and the affordable housing fee as well as explaining the fees for public art and park in lieu. Ms. Chua asked if we had an audit trail that demonstrates when we receive monies after the development is complete. Mr. Thomas said once the development is done, staff members inspect the site to make certain they have completed what the development proposed. Mr. Thomas also stated all fees are collected up front at the building permit stage.

Chair Mandal asked about fire truck access throughout property. Mr. Fossati addressed his inquiry through the plan set. Mr. Mandal asked if there will be electrical charging stations. Mr. Fossati stated there will be per the building green code. Mr. Mandal inquired if the affordable housing will be dealt with later. Mr. Fossati said the applicants can answer the question of feeing out as opposed to 15% of affordable housing. Mr. Mandal inquired about recycled water for vegetation. Mr. Fossati said there will be no recycled water at this site because there is no recycled water pipes along the Montague frontage area.

Commissioner Tao asked if the trash collection area along the front of the property will serve all residents. Mr. Fossati stated that is correct; it will be two bins and a compactor will serve all residents. Mr. Tao wanted to make sure the size of the bins are appropriate. Mr. Fossati explained that part of the project is ran by Land Development and Building; where the applicant needs to meet certain conditions in order to approve the project. Ms. Tao asked if there was sufficient site area to accommodate the C3. Mr. Fossati stated that it is a heavily mandated issue along with the open space areas, has met the C3 requirement and the applicant can share more information on that. Mr. Thomas referenced the resolution section where storm water and grading drainage is addressed.

Architect Anthony Ho, designer of project comes to podium. He noted that Mary Lai is the the Applicant/Owner of the project.

Commissioner Alcorn wanted to confirm if applicant had chose to pay in lieu of fee over the 15% of affordable housing units. Mr. Ho shared that Ms. Lai previously had a meeting with Mr. Fossati and the Housing Department to get the value/possible revenue amounts of affordable housing units; and, at this moment Ms. Lai has not decided on which route she has decided to go. Mr. Alcorn stated that they might have a big parking issue but thinks the project itself looks great. Mr. Alcorn asked what will community see in the project. Mr. Ho said the open green space, view of the hills, improvement to the rail road and privacy. Mr. Alcorn closed with that Milpitas needs affordable housing.

Commissioner Chuan shared that there is an affordable housing crisis to take into consideration.

Chair Mandal asked what is the future of railroad track. Mr. Fossati stated nothing that he is aware of and it is here to stay. Mr. Thomas noted that the railroad is not heavily used.

Chair Mandal invited members of the audience to address the commission.

Motion to close the public hearing.

Motion/Second: Commissioner Morris/Ciardella

AYES: 7

NOES: 0

Commissioner Alcorn stated he has hard time wanting to support this project if there are no affordable housing units. Mr. Ho stated Ms. Lai would like to do maybe 50/50 (in lieu fee/affordable housing).

Planning Director Ned Thomas drew the commissioner's attention to the resolution, where it states any other condition other than the in lieu fee or 15% of affordable housing units, would be under the prevue of the City Council.

Motion to consider the finding of consistency with the Addendum to the Milpitas Midtown Specific Plan Environmental Impact Report (Resolution No. 8588) in accordance with the California Environmental Quality Act (CEQA) and adopt Resolution No. 19-015 approving Site Development Permit No. (SD19-0003) and Conditional Use Permit No. (UP19-0002) subject to the attached Conditions of Approval. (Per City Attorney, Heather Lee) *And, to delete the references of condominiums units in resolution.*

Motion/Second: Commissioner Chuan/Commissioner Alcorn

AYES: 7

NOES: 0

ABSTAIN:

IX-2 MIXED-USE BUILDING – 86 N MAIN – P-SD17-0007, P-UP17-0011, E-LC17-0003 – A request for a Site Development Permit, Conditional Use Permit, and Lot Combination for a new three-story, mixed-use building consisting of ground floor commercial space, one office space, and three residential units, as

well as a shared parking agreement and setback reductions, and the merger of two lots, totaling 0.15 acres. The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 (Project Consistent with a Community Plan or Zoning), Section 15303 (New Construction or Conversion of Small Structures), and Section 15332 (In-Fill Development Projects).

Project Planner Lillian Hua showed a presentation and discussed the project.

Commissioner Chua stated she likes the modern/contemporary design as it checks off all points of Midtown Specific Plan.

Commissioner Alcorn said this is a great example for future projects in the Midtown area. Mr. Alcorn asked if there are any safety hazards with pushing the building all the way to property line. Ms. Hua said that the architect is here and can answer those questions.

Commissioner Morris shared that it is an excellent project and a model we can use for future projects in the area.

Commissioner Ciardella referenced the staff report, inquired about the in lieu payment of \$3,000, staff report noted art should be valued up to \$25,000, how is the art piece valued. Mr. Thomas shared that because of the location, size and site of the project, it would best to take the in lieu fee, and at a later date applicant to bring forward art piece for the City to approve. Mr. Ciardella asked about the jackeranda tree proposed and perhaps find another tree that is less messy. Mr. Thomas said we would recommend a drought tolerant tree; however, it would be up to the applicant. Mr. Ciardella asked about the roof garden and using artificial turf. Ms. Hua said the architect is here to explain the green roof and storm water. Mr. Ciardella asked if the the roof can be seen from Calaveras. Ms. Hua said possibly and that the possible placement of a public art piece can be on roof. Mr. Ciardella asked if the elevator will be a secured elevator for residents or open to all. Ms. Hua said it would be secured for residents, however the applicant could answer that for him in more detail.

Chair Mandal said he is very glad to see something good is going on Main Street. Mr. Mandal asked about fire truck access to back of building and if it has been reviewed by Fire Department. Ms. Hua said Fire would be accessing building from Main Street, the front. Mr. Mandal asked how will the front walkway be made pedestrian friendly. Ms. Hua stated that the applicant is conditioned by the Engineering Department to demolish the driveway at 86 N. Main Street and replace with sidewalk, planter strip and gutter. Mr. Mandal is excited about the project.

Commissioner Tao asked if 82 N. Main Street lot line will be merged and erased via this process. Ms. Hua said that is correct. Mr. Tao asked if there will be building code upgrades to 82 N. Main Street as result of it being apart of a conjoined lot. Ms. Hua said the Building Department reviewed the plans and did not require upgrades to 82 N. Main. Mr. Tao asked if that building had fire sprinklers. Ms. Hua said that the applicant could better answer that. Mr. Tao asked if staff performed a conformance check to make sure there are no conflicts with auto surrounding businesses. Ms. Hua stated that the properties in and around Main Street are zoned mixed use; and auto uses in the area will soon expire; with an exception of those grandfathered. Mr. Tao continued to asked

multiple clarifying questions in regards to the plans, layout, signage, colors and parking. Ms. Hua addressed the inquiries and recommended some of the questions be answered by applicant.

Damon LeBleu, representative of JDL Design discussed their vision, the project design and answered inquiries from the commissioners.

Commisisoner Ciardella asked about the artificial turf on green floor. Mr. LeBleu said they would be using synthetic turf which works better for draining rain water for harvesting/collection and will have colored shrubs to smooth out the hard edges of concrete; along with a pergola for gathering unders some shade.

Commissioner Alcorn thanked applicant for taking interest in this part of town and stated the design of project is top tier.

Commissioner Chuan also thanked applicant for this wonderful project stated that the concepts tie in with what is already existing.

Commission Chua is very excited for this project and praised the team work of the applicant alongside City Staff. Ms. Chua thanked applicant for keeping it in line with our future plans for Mid Town.

Commisioiner Tao asked if there will HVAC units for each space and if coffee shop hours will be consistent with local businesses. Mr. LeBleu stated there will HVAC units for every space. Mr. Tao said should there be music in community space, he hopes it would be consistent with the residents hours. Ms. LeBleu stated that their goal is to minimize late hours so that tenants and neighboring businesses will not be disturbed.

Chair Mandal noted Milpitas is not the same as 25-35 years; Milpitas is now a prime location. Mr. Mandal asked Mr. LeBleu to explain their plans of keeping the area clean and pedestrian friendly. Mr. LeBleu stated his vision is wanting to make the environment welcoming. Mr. Mandal welcomes the applicant's business in Milpitas.

Commissioner Chuan asked about art work vision. Mr. LeBleu said he is currently researching artists but is looking for something that will highlight/compliment the architecture, be inviting and be a statement for downtown.

Chair Mandal invited members of the audience to address the commission.

Motion to close the public hearing.

Motion/Second: Commission Morris/Commissioner Alcorn

AYES: 7

NOES: 0

ABSTAIN: 0

Motion to adopt Resolution No. 19-011, approving Site Development Permit No. SD17-0007, Conditional Use Permit No. UP17-0011, and Lot Combination No. LC17-0003, adopting an Addendum to the Midtown Specific Plan EIR and making CEQA Findings of Exemption subject to the Conditions of Approval.

Motion/Second: Commissioner Chua/Commissioner Tao

AYES: 7

NOES: 0

IX-3 NEW INDIA BAZAAR GROCERY STORE EXPANSION – 440 S MAIN STREET – P-UA18-0009 - A request for a Conditional Use Permit Amendment to add approximately 1,274 square feet of sales area to an existing 5,261-square foot commercial use (grocery store) for a new total of approximately 6,535 square feet within an existing commercial building located at 440 S Main Street. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 (Project Consistent with a Community Plan or Zoning) and CEQA Guidelines Section 15301 (Existing Facilities).

Project Planner Krishna Kumar showed a presentation and discussed the project.

Chair Mandal disclosed that he shops at New India Bazaar Grocery Store.

Commissioner Chuan asked about the structural integrity of the wall. Ms. Kumar stated that the architect is present to answer that question.

Commissioner Tao asked if the applicant has the signed permission from owner for the expansion. Ms. Kumar stated it is on the application. Mr. Tao asked if there was an association consent as well. Ms. Kumar said there is no association that she knows of; that the City application only requires signature from the owner. Mr. Tao shared that during peak hours parking is challenging and there is more traffic congestion.

Commissioner Chua echoed the same concern however has never had problems with parking during different times of the day. Ms. Kumar mentioned the applicant did a parking study and even has a parking agreement with Zahir's Bistro down the road.

Architect Ho Ching answered the Mr. Chuan's inquiry about moving the wall structural integrity. That the partition wall will have no impact and they will not be removing the concrete block wall.

Commissioner Tao asked if ownership consent to parking agreement. Ms. Kumar stated the parking agreement is between New Indian Bazaar and Zahir's Bistro. Mr. Tao asked if the parking liability belongs to the ownership not the restaurant. Ms. Kumar noted that since the New Indian Bazaar is sufficiently parked, this parking agreement is not necessary.

Chair Mandal noted that the applicant does a great job at serving the community but suggested they look at the cleanliness of the property.

Adi Dhaliwal, in house counsel for owner and operator, shared why the owner has decided to expand the store.

Commissioner Chua praised the owner for his successful business and thanked applicant for choosing to keep their business in Milpitas.

Chair Mandal invited members of the audience to address the commission.

Motion to close the public hearing.

Motion/Second: Commissioner Morris/Alcorn

AYES: 7

NOES: 0

Motion to consider the finding of consistency with the 2002 Milpitas Midtown Specific Plan Environmental Impact Report, and as a separate and independent basis, an exemption from further environmental review under the California Environmental Quality Act (CEQA); and adopt Resolution No. 19-012 approving Conditional Use Permit Amendment No. UA18-0009 subject to the Conditions of Approval.

Motion/Second: Chair Mandal/Ciardella

AYES: 6

NOES: 1 (Tao)

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT

The meeting was adjourned at 9:29 PM.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Mohsin/Commissioner Alcorn

AYES: 7

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*